IN THE HIGH COURT OF JUDICATURE AT BOBBY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 4335 OF 2004

Jabbarsingh Duleshingh Kalani ..Applicant.

V/s.

The State of Maharashtra .. Respondent.

Shri V.V. Purwant for Applicant.
Shri S. R. Shinde, APP for Respondent.

CORAM : A.M.KHANWILKAR, J.
DATED : 18.10.2004

PC :-

. Heard the learned counsel for the parties. Perused the record.

. The Applicant is named as accused No.6 in the offence registered with Foujdar Chaudi Police Station, Solapur being C.R. No. 159/2004. According to the prosecution, the applicant supplied a sword to the prime accused, which was used in the commission of the alleged offence. According to the applicant, even assuming that the prosecution case that the applicant supplied the sword is correct even then there is no material that he had knowledge that the prime accused will use the said sword in the activity which is alleged in the offence registered as C.R. No.

159/2004. It is not possible to accept this submission that the applicant could have no knowledge that the deadly weapon like sword will not be used by the accused. To get over this position, it is submitted that the prosecution case is that the applicant has sold the sword to the co-accused and manufacturing of sowrds is one of the activities of the applicant. At this stage, the prosecution case will have to be accepted as it is. The fact that the applicant has supplied the sword to the co-accused, which has been used in the commission of offence, to my mind, is a good ground for rejecting the bail application preferred by the applicant. However, the counsel for the applicant contends that now the investigation is complete and chargesheet is also filed. Besides, the applicant is in jail since 15th July, 2004 coupled with the fact that the applicant is of advance age of 60 years and is not likely to commit any such offence, if released on bail. In this peculiar facts and circumstances of the case, the applicant deserves to be enlarged on bail on certain conditions as under:-

> The Applicant be released on bail in connection with C.R.No. 159/2004, registered

with Foujdar Chaudi Police Station, Solapur on executing personal bond in the sum of Rs. 25,000/- (Rs. Twenty -five thousand only) with two local sureties in the like amount.

The applicant shall not carry on the activity of manufacture or production of swords unless permission is obtained from the concerned authority in that behalf.

The Applicants shall regularly report to the Foujdar Chaudi Police Station once in a month on first Saturday of every english calendar month between 10 a.m. to 1 p.m.

The Applicant shall extend full co-operation for early disposal of the trial. If the trial court is of the opinion that the applicant is responsible for delay in trial that fact be recorded in the Rozanama, which can be a ground for cancellation of bail.

The applicant shall not influence the prosecution witness or tamper with the prosecution evidence in any manner whatsoever.

. Order accordingly.

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